DAWN

OPINION

Gaza resolution

THOUGH the UN Security Council has passed a US-drafted resolution that basically endorses President Donald Trump's 'peace plan' for Gaza, the document's ambiguities, and Palestinian objections to many of its stated aims, means that it is unlikely to bring long-term peace to the occupied territories. Moreover, those countries — including Pakistan — that are considering contributing troops to the international stabilisation force that the Trumpian scheme envisages, must be clear on its mandate. While the UNSC has approved it, it is very much an American plan. For example, the ISF will not act as a UN peacekeeping force; it will work in 'consultation' with Israel and Egypt. Moreover, the language about a path to Palestinian statehood is ambiguous. On the other hand, the Israeli prime minister has reaffirmed his commitment to blocking a Palestinian state. The framers of this resolution, and the supporters of this plan, must be asked how they expect to reconcile these divergent positions. China and Russia abstained while Pakistan supported the US resolution. Hamas, meanwhile, has been critical of the resolution, while questioning the ISF's neutrality.

The resolution calls for the ISF to demilitarise Gaza, while the US ambassador to the UN has said the ISF will "support a region free from Hamas' grip". These statements clearly indicate that foreign troops will be deployed in Gaza to engage and disarm Hamas. Pakistan, and other Muslim states that are reportedly considering troops for the mission, must therefore be clear about what is expected of them. Pakistan's ambassador to the UN has said that disarmament should be carried out "through a negotiated political process", while also observing that further clarity was needed about all aspects of the plan. Without this clarity, and without debate in parliament, Pakistan should not commit troops. We must not partake in an Israeli-American exercise to disarm Palestinian resistance movements and help perpetuate the occupation. However, if the stated purpose of the ISF is to facilitate Gaza's reconstruction and rehabilitation, and most importantly, to protect Palestinians from Israel's savage assaults, which continue despite the 'ceasefire', then the contribution of troops can be considered.

It would have been much better for the UN to have taken the lead in this peacekeeping mission, instead of simply endorsing the American plan. While it is hoped that Gaza's long nightmare is over, and the Palestinians in general can restart their journey towards a sovereign state, we must not hold our breath. The main reason for pessimism is Israel's lack of commitment to peace, and its historical disregard for Palestinian lives. We should know quite soon whether the effort is genuine, or the plan just endorsed by the UN is another smokescreen that will strengthen the occupation, this time with international sanction, and Arab and Muslim buy-in.

Misplaced optimism

THE MQM-P's hope that the coalition led by the PML-N will soon amend the Constitution to incorporate its recommendations for empowering local governments is admirable. On Monday, party leader Mustafa Kamal claimed that its proposal to change the constitutional provisions on LGs would now be advanced as the 28th amendment. Hours later, Rana Sanaullah, adviser to the prime minister on political affairs, said the 28th amendment, dealing with public issues such as local bodies, population, the National Finance Commission and health-related issues, could be introduced if there is "political consensus". "There is a need to review how we can better serve the people according to the present needs of the provinces and the centre," he said. The same day, Sindh Information Minister Sharjeel Memon indicated that his party, which has ruled the province since 2008, did not intend to support the proposed changes in Article 140-A, which calls for the establishment of local bodies as the third tier of governance by the provinces but is silent on the powers for locally elected representatives.

Political rhetoric on the importance of LGs aside, the reality is that the two major coalition partners — the PML-N and PPP — are least interested in the financial, administrative and political empowerment of the third tier of government. To its credit, the MQM-P has been trying to get the Constitution amended for this purpose for quite some time. However, its coalition partners sidestepped the initiative at the time of the introduction of both the 26th and 27th Amendments, at each occasion promising to include the recommendations in the next round. If this doesn't indicate the intent of the two major parties ruling Punjab and Sindh, what does? Delaying LG reform is not simply procrastination on their part; it is more of a refusal to accommodate the thought. Parties that have bigger stakes than the MQM-P in the status quo, as far as the current structure of governance goes, are not in favour of strengthening local democracy. It would force them to decentralise many of their powers, which would sound the death knell for their politics of patronage that has helped their political dynasties survive and retain control of their parties. If its coalition partners did not accommodate its proposals to amend the constitutional provisions on LGs in the last two legislations, they are unlikely to do so in the future.

Trial and error

PAKISTAN's jails are bursting at the seams with undertrial prisoners who endure horrific living conditions on the premises. Many spend years behind bars — far longer than the maximum sentence for their crime. Some, convicted by lower courts, are later acquitted by the higher judiciary. In this context, last month the Supreme Court overturned the convictions of two brothers, who had earlier been found guilty of carrying out the 2005 PIDC bomb attack in Karachi. In its detailed judgement issued last week, the court advised the federal and provincial governments to enact laws for the compensation and rehabilitation of "victims of miscarriage of justice" and to hold public officials accountable for dereliction of duty. The ruling exposes a deeply flawed parole and probation process due to a legal system that functions for the privileged not the poor. Courts should focus on setting time limits for both police investigations and the conclusion of trials. A report by NCHR, National Academy for Prisons Administration and Justice Project Pakistan testifies to the staggering jail rush: spaces for under 66,000 are crammed with over 102,000 inmates; three-quarters are under trial.

Society forgets that an undertrial prisoner is a detainee not yet convicted. The Supreme Court's newly pruned status should give Chief Justice Yahya Afridi more time to focus on the undertrial population, better legislative provisions and implementation of judgements on rights such as bail and legal aid for the poor. Scores could have been acquitted or granted suspended sentences had trials been speedy. A streamlined judicial process offers relief, whereas prolonged incarceration can turn first-time offenders into hardened criminals. Jail reform must then be a priority. Besides vocational training and education for inmates, the authorities can look into options like electronic devices to keep track of undertrial prisoners, thus easing jail congestion. Lastly, compensation should be given to the acquitted — a small price for the loss of precious years of freedom.

BY ZAHID HUSSAIN

Crime and punishment

Ultimately, the coercive power of the state could not withstand the power of the people.

THE trial and conviction of Sheikh Hasina Wajed must come as a lesson to all authoritarian rulers who see themselves as 'god on earth'. The once all-powerful leader who governed Bangladesh with an iron fist for 15 long years — in the second stretch of her rule — and eliminated opposition with brute force, was driven out of power last year by a people's movement. The disgraced leader who fled the country has now been convicted and sentenced to death for committing "crimes against humanity" though the sentence may never be implemented.

Such is the irony of history that the deposed leader was convicted by the same special tribunal which she had created to persecute her rivals. Some half a dozen political leaders, many of whom had served in previous administrations, were executed after dubious trials. Thousands of people were disappeared or thrown into dungeons for years. She retained power through controversial elections and had virtually established a one-party state.

But ultimately, the coercive power of the state could not withstand the power of the people. The ending was steeped in blood. A UN report said up to 1,400 people may have been killed during the 2024 protests, most from gunfire by security forces; it cited evidence that it was official policy to attack and violently repress anti-government protesters and sympathisers. But even such a display of repression could not save her from losing power.

She might have saved her life by fleeing the country but could not escape the criminal proceedings conducted in her absence. After months of being tried in absentia, a three-member International Crimes Tribunal pronounced her guilty on several charges including incitement, orders to kill and inaction to prevent atrocities as she oversaw a crackdown on anti-government protesters last year.

Announcing the verdict in a courtroom packed with the relatives of the victims, the tribunal said the "accused prime minister committed crimes against humanity by her order to use drones, helicopters and lethal weapons" against the people. Sheikh Hasina said that the tribunal was a "politically motivated charade". Her former home minister has also been convicted.

The UN human rights office described the sentencing as "an important moment for victims" but said Sheikh Hasina should not have been sentenced to death. "We have been calling for perpetrators — including individuals in positions of command and leadership — to be held accountable in accordance with international standards," said a UN spokesperson, adding: "We … regret the imposition of the death penalty, which we oppose in all circumstances."

But Muhammad Yunus, the head of the provisional government of Bangladesh has defended the convictions saying it reaffirmed the principle that "no one, regardless of power, is above the law". He called the verdict "vital, if insufficient, justice" to the thousands affected during the crackdown, including the families of those killed during the uprising.

This is the first time in Bangladesh that a former prime minister has been sentenced to death by the court though the country has seen some leaders meeting a violent end while in power. Among them was Sheikh Hasina's father and Bangladesh's founder Sheikh Mujibur Rahman. He was assassinated along with most of his family members on Aug 15, 1975, by a group of Bangladesh Army personnel who invaded his residence as part of a coup d' tat. Sheikh Hasina escaped death as she was out of the country at that time. She lived in India for some years before returning to Bangladesh in the 1980s after being elected to head the Awami League. She was elected as prime minister for the first time in 1996 after the ouster of Gen Ershad's government. But after the end of her first stint, she had to wait for almost a decade to return to power and then she stayed put for 15 long years.

One of the major reasons for her dictatorial control was the remarkable economic progress achieved by Bangladesh during that period. From a basket case, Bangladesh became an international success story with the fastest economic growth rate in South Asia. In the Human Development Index too, Bangladesh did very well as compared to other underdeveloped countries. This new prosperity and economic potential encouraged Sheikh Hasina to consolidate her authoritarian stranglehold, as she stocked state institutions with party loyalists.

But she failed to see the growing political unrest that was simmering beneath the surface. Her government crushed all voices of protest. Protests broke out in 2013 against the execution of some political leaders for alleged collaboration with the Pakistan military during the 1971 war. The protest was crushed with the full power of the state. The protest was a warning to her authoritarian rule but instead of heeding it, she consolidated more power and started building a personality cult around her father. Life-size portraits and sculptures of herself and Sheikh Mujibur Rehman adorned the capital's streets and city squares.

The rigged elections of January 2024, when Sheikh Hasina won her fifth consecutive term in office, heightened political discontent in the country. The Awami League claimed a two-thirds majority in the elections, which had been boycotted by the opposition. Many of the remaining seats had also been won by ruling party members standing as independent candidates. The seething political discontent turned into a mass movement in July 2024 when students took to the streets to demand the removal of government job quotas for the descendants of those who participated in the 1971 independence movement. Soon, the movement brought down the government, with Sheikh Hasina fleeing the country.

The conviction and death sentence for the fugitive leader has once again brought Bangladesh into the spotlight. The tribunal's judgement has heightened the prevailing tension in the country, which has not yet fully recovered from last year's political upheaval. It is unlikely that India will extradite its trusted ally. Sheikh Hasina had virtually turned Bangladesh into a satellite state of India. Her ouster came as a huge geopolitical setback to New Delhi. The growing relations between Bangladesh and Pakistan under the new administration in Dhaka have added to the ire of the Narendra Modi government in New Delhi. Any Indian attempt to destabilise Bangladesh can have far-reaching geopolitical consequences. ■

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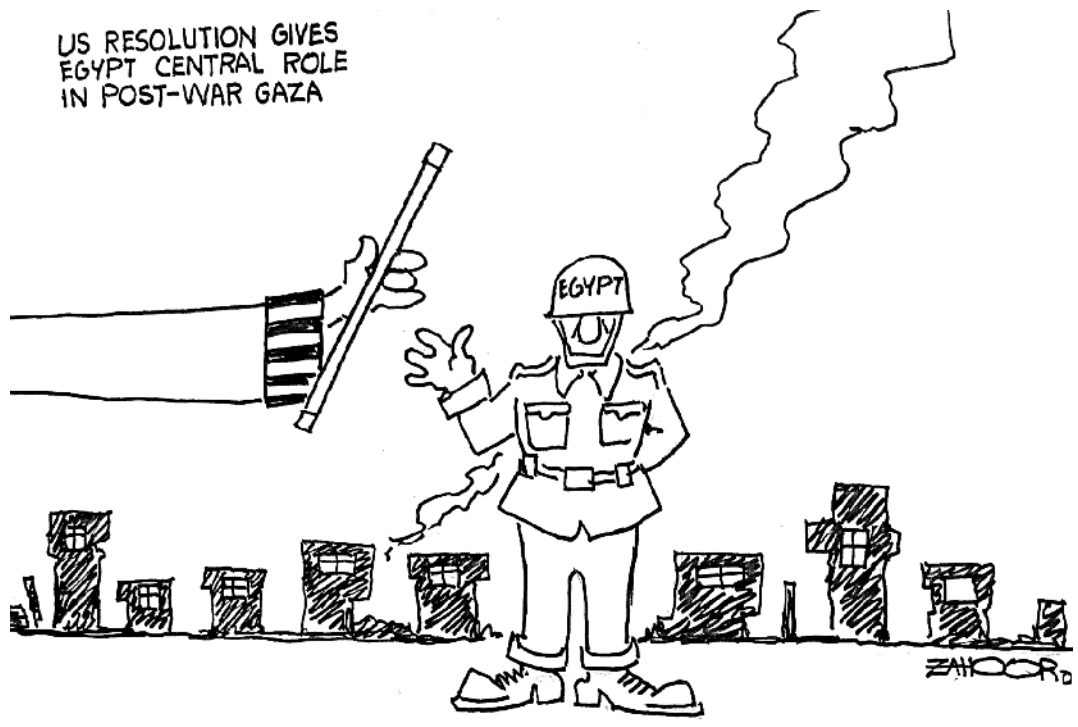

BY AFZAL ALI SHIGRI

GB's rare earth potential

IN the mountains of Gilgit-Baltistan lies a treasure that could transform Pakistan's technological and economic future. Beneath its glaciers and granite are traces of rare earth elements. At a time when nations are racing to secure supplies of lithium, cobalt and rare earths, the northern frontier could emerge as a regional hub for high-value mineral processing. With its road link to China, developing internal network, new international airport, hydropower generation potential and a growing pool of educated, enterprising youth, GB is well-positioned for investment.

Processing rare earth elements, however, is capital intensive. Challenges ranging from technology to environmental management can only be overcome via extensive investment, expertise and regulation. But opaque governance hinders the attempt and GB continues to exist under a colonial-style legal order that denies investors protection and local communities their rights — made worse due to the region's unsettled status.

GB does not enjoy constitutional status in Pakistan and is governed through executive orders that can be changed through bureaucratic rules of business. The current law, the Gilgit-Baltistan Governance Order 2018, was notified and proclaimed as a step towards empowerment, but in reality, as noted by the Supreme Court, it was designed to roll back the limited powers that were granted through 2009 Order to enhance federal control.

The 2018 Order concentrates decision-making in a single office, the Pakistani prime minister who chairs the Gilgit-Baltistan Council. Article 60 of the Order gives the PM exclusive power to legislate on all major subjects, including specific minerals, industries, electricity and investment policy. He can appoint and remove judges of the superior judiciary. For minerals like rare earths — linked directly to defence and high-technology supply chains — clarity of law and jurisdiction is vital. No serious investor will risk capital in a region where rights are undefined, courts are powerless, and laws can be changed at whim.

The Council has been reduced to an advisory body with no binding authority. Article 118 states that GB's courts cannot question the validity of the Order. The local judiciary is mostly nominated, which turns it into an arm of the executive. In practice, the PM can override the GB Assembly, issue new regulations, or amend the Order at will, enjoying blanket immunity while doing so. This is hardly self-government; it is a continuation of the colonial model.

For the mining industry, the red flags are obvious: the governing law can be repealed or replaced without warning; contracts have no guarantee by empowered judicial protection; community compensation and environmental standards depend entirely on federal discretion; residents have no enforceable claim to royalties or employment; and no credible global company will invest in an area with such legal flaws.

> A legal trap blocks the promise of prosperity that lies in the mountains of Gilgit-Baltistan.

By clinging to this defective system designed to control, Pakistan is sabotaging its own strategic interest. Instead of inviting investment through transparency and rule of law, an image of centralised control and uncertainty is projected. The Supreme Court saw this coming, and in January 2019, it delivered a landmark judgement directing that the 2018 Order be replaced with the consensus draft Gilgit-Baltistan Governance Reforms Order, 2019, that provides the very framework that both investors and citizens need.

It introduces a full chapter on fundamental rights: equality before law, freedom of speech and movement, property protection, and access to justice. Any law inconsistent with these rights is void. It defines a citizen of GB as someone domiciled or resident there, ensuring that only locals benefit from land and employment rights. Most importantly, it gives the Supreme Court final oversight. No amendment or repeal can take effect until it is placed before the court under Article 184(3) of the Constitution for review. This safeguard creates permanence and predictability for the investors.

The 2019 draft also establishes an independent higher judiciary and strengthens the GB Assembly's role in social and economic legislation. It is not full provincial status, but it is a meaningful step towards rule-based governance. It grants GB full equality with Pakistani citizens, an independent judiciary with recourse to the Supreme Court and strong local governance.

Rare earth exploration and processing are capital-intensive ventures with long payback periods. Investors demand stable laws and independent courts. Without these, Pakistan risks losing billions in potential investment to other countries that offer legal security and transparency. At the same time, GB's people risk repeating the history of extraction without benefit, their environment degraded, and their youth left unemployed. The 2018 Order denies them a share in their own resources. It denies Pakistan, too, the credibility it needs to partner with global technology and energy firms. The Supreme Court's 2019 framework offers a practical and lawful way out for both investors and the residents of GB.

The court made it clear that adopting this Order does not prejudice the Kashmir dispute; it simply ensures justice and good governance. The only obstacle now is political hesitation and an inherited mindset of control.

GB's mountains hold the minerals that could propel Pakistan into a high-tech future, yet its governance is reminiscent of a colonial past. The 2018 Order is legally weak, politically outdated, and economically self-defeating. If Pakistan truly wants to unlock its rare earth potential, it must replace this relic with the Supreme Court-approved 2019 Governance Reforms Order. Only then will investors see a predictable legal environment and the people of GB the justice they have long been denied. The world is racing towards clean energy and advanced technology. Pakistan cannot afford to stand aside. The choice is stark: bury the colonial order or bury the region's promise.

It is time for the country's major political parties each governing provinces, and some sharing power at the centre to act. The people of GB have waited too long for dignity and inclusion. The 2019 draft is already approved by the Supreme Court; what remains is the will to implement it. Ignoring it would not only betray the region but also squander Pakistan's strategic and economic future. ■

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